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9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2013-921

13 **ROBERT ABRAHAM SCHWAGER**
14 **1550 Eastern Avenue, #101**
North Vancouver, Canada V7L3G1

A C C U S A T I O N

15 **Registered Nurse License No. 692687**

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
22 Consumer Affairs.

23 2. On November 17, 2006, the Board of Registered Nursing issued Registered Nurse
24 License Number 692687 to Robert Abraham Schwager (Respondent). The Registered Nurse
25 License was in full force and effect at all times relevant to the charges brought herein and will
26 expire on June 30, 2014, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

STATUTORY PROVISIONS

6. Section 2761 of the Code states:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

....

(4) Denial of licensure, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.

....

COST RECOVERY

7. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case, with failure of the licentiate to comply subjecting the license to not

1 being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs
2 may be included in a stipulated settlement.

3 CAUSE FOR DISCIPLINE

4 (British Columbia - Out Of State Discipline)

5 8. Respondent has subjected his Registered Nurse License to disciplinary action
6 under Code section 2761, subdivision (a)(4), in that his license to practice nursing in British
7 Columbia was disciplined by the College of Registered Nurses of British Columbia (CRNBC) in
8 a disciplinary action, which resulted in his license to practice nursing to be subjected to terms
9 and undertakings for a period of six months of full-time nursing practice. The circumstances are
10 as follows:

11 9. The CRNBC issued identification number 0929316 to Respondent to practice as a
12 registered nurse in the Province of British Columbia, which was in current status and in full force
13 and effect at all times relevant to the charges brought.

14 10. On May 13, 2011, the CRNBC took disciplinary action against Respondent's
15 registered nurse license in a matter entitled, *College of Registered Nurses of British Columbia,*
16 *Registration, Inquiry, and Discipline, Robert Schwager - CRNBC Identification Number*
17 *0929316*, by setting out the Terms and Undertakings against his license. Respondent was
18 charged with violation of CRNBC's Standards of Practice regarding Specialized Body of
19 Knowledge and Competent Application of Knowledge, Responsibility and Accountability and
20 Self-Regulation, and the Code of Ethics.

21 11. The facts that led to the discipline are as follows. On September 28, 2009,
22 Respondent started working as a registered nurse at Burnaby Centre for Mental Health and
23 Addictions (BCMHA). On April 4, 2010, Respondent provided a patient with Suboxone
24 16mg/4mg even though it was clearly indicated on the Medication Administration Record
25 (MAR) that "Suboxone 8mg/4mg Hold until GP assessment." On August 12, 2010, Respondent
26 gave another patient Chlorhexseptic four percent topical solution for wounds instead of
27 Chlorhexidine Gluconate 0.12 percent oral solution. On August 18, 2010, Respondent refused to
28 administer methadone to a patient scheduled for witnessed ingestion at 5:30 a.m. alleging that he

1 was doing a narcotics count. As shown by a security camera, Respondent did not only fail to
2 witness the methadone ingestion, he also allowed the patient to take a full bottle with him, which
3 is enough to do serious harm to another person if shared or sold. On August 20, 2010,
4 Respondent's practice as a nurse was found by his manager to be unsafe and he was placed on
5 unpaid suspension. On September 13, 2010, the manager of BCMHA reported her concern about
6 Respondent's nursing practice to CRNBC. On October 29, 2010, Respondent sent his response to
7 the inquiry committee of the CRNBC.

8 12. On May 25, 2011, the CRNBC Inquiry Committee approved Respondent's
9 Consent Agreement and adopted the Terms and Undertakings as its order in resolution of the
10 disciplinary action. In a matter before the CRNBC entitled, *Registration, Inquiry, and Discipline,*
11 *Terms and Undertakings Notification to Employers Between Robert Schwager - CRNBC*
12 *Registration Number 0929316 And College of Registered Nurses of British Columbia (CRNBC),*
13 Respondent undertook to provide CRNBC with all current and future employer's contact
14 information prior to returning to nursing practice, successfully complete remedial education
15 pertaining to pharmacology and professional communication in the workplace, and immediately
16 contact CRNBC should any nursing practice concerns be identified. Respondent also undertook
17 to enter into a return to work plan consistent with his family physician's recommendations,
18 comply with all treatment regimes recommended by his treating therapist, and immediately
19 withdraw from nursing practice when mental or physical health deteriorates. Respondent further
20 undertook to meet with a CRNBC Nursing Practice Consultant to discuss mechanics of a
21 workplace learning plan and submit an essay reflecting a review of professional standards that
22 registered nurses are expected to meet and the CRNBC nursing practice consultation.

23 PRAYER

24 WHEREFORE, Complainant requests that a hearing be held on the matters herein
25 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

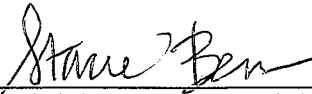
26 1. Revoking or suspending Registered Nurse License Number 692687, issued to
27 Robert Abraham Schwager;

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1 2. Ordering Robert Abraham Schwager to pay the Board of Registered Nursing the
2 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
3 Professions Code section 125.3;

4 3. Taking such other and further action as deemed necessary and proper.
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8 DATED: APRIL 18, 2013


9 *for* LOUISE R. BAILEY, M.ED., RN
10 Executive Officer
11 Board of Registered Nursing
12 Department of Consumer Affairs
13 State of California
14 *Complainant*

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